

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JAMES C. WINDING

PETITIONER

VERSUS

CIVIL ACTION NO. 5:23-cv-29-DCB-FKB
APPEAL NO. (to be assigned)

MARC McCLURE, Superintendent, et al.

RESPONDENTS

ORDER DENYING PETITIONER'S MOTION TO ARREST FINAL JUDGMENT

This matter is before the Court on Petitioner James C. Winding's ("Petitioner") Motion to Arrest Final Judgment ("Motion") [ECF No. 20]. The Court, having examined the Motion, the record, the applicable legal authority, and being fully informed in the premises, finds that the Motion should be denied.

Petitioner's arguments in the instant Motion are very similar to his arguments in his previously filed Motion to Reconsider [ECF No. 14]. In both Motions [ECF No. 20] [ECF No. 14], Petitioner argues that the Court should allow him to proceed with this § 2254 habeas action because the United States Court of Appeals for the Fifth Circuit's decision in *In re Winding*, No. 22-90065 (5th Cir. 2023) does not apply. Petitioner's argument is based on his claim that he is not challenging his conviction or sentence and that 18 U.S.C. § 1203 prohibiting hostage-taking applies. The Court's Order [ECF No. 24] has addressed these arguments and has denied Petitioner's request to reconsider the

dismissal of this § 2254 habeas civil action. For the reasons set forth in the Court's Order [ECF No. 24] and because Petitioner has already raised his arguments in his previously filed Motion [ECF No. 14], Petitioner's Motion is not well-taken.

For the foregoing reasons, Petitioner's Motion will be denied. Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion to Arrest Final Judgment [ECF No. 20] is DENIED.

SO ORDERED, this the 18th day of May, 2023.

s/David Bramlette

UNITED STATES DISTRICT JUDGE